

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application for:

Carlo Ballatore, et al.

Serial No.: 10/714,255

Filing Date: November 14, 2003

For: Peptide Deformylase Activated Prodrugs

Examiner: Unassigned

Group Art Unit: Unassigned

**PROSECUTION BY ASSIGNEE AND POWER OF ATTORNEY
UNDER 37 C.F.R. § 3.71**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

NewBiotics, Inc. the assignee of the entire right, title and interest in this patent application, under 37 C.F.R. § 3.71 hereby appoints all attorneys associated with:

Customer Number 23639

Attorney	Registration No.	Attorney	Registration No.
Hitesh Barot	51,433	David Beck	37,776
David T. Burse	37,104	Michael J. Bolan	42,339
Gerald Chan	51,541	Antoinette F. Konski	34,202
Gary Lueck	50,791	David W. Maher	40,077
Fabio E. Marino	43,339	Peter Chen-Cheng Mei	39,768
Scott R. Miller	32,278	Erin Ming	47,797
Bernard F. Rose	42,112	Robert Schroeder	25,373
Saina Shamilov	48,266	Jeffrey Smith	39,377
Sandra Thompson	46,264		

all of the firm Bingham McCutchen LLP, Three Embarcadero Center, Suite 1800, San Francisco, CA 94111-4067, to prosecute this application and transact all matters in the United States Patent

and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorneys in accordance with the provisions of 37 C.F.R. § 3.71.

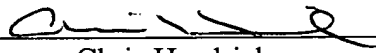
Please direct all written communications relative to this application to:

Antoinette F. Konski
Bingham McCutchen LLP
Three Embarcadero Center, Suite 1800
San Francisco, CA 94111-4067

Please direct all telephone communications to Antoinette F. Konski at (650) 849-4950.

NewBiotics, Inc.

Dated: 1-6-04

By: 
Name: Chris Headrick
Title: Chief Financial Officer
Address: 11760 Sorrento Valley Rd.
Suite E
San Diego, CA 92121

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: NewBiotics, Inc.Application No./Patent No.: 10/714,255 Filed/Issue Date: November 14, 2003NewBiotics, Inc., a Corporation

(Name of Assignee)

(Type of Assignee, e.g. corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is _____%.

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel *, Frame *, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel *, Frame *, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel *, Frame *, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel *, Frame *, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

1-6-04

Date

Chris Headrick

Typed or printed Name

Signature

Chief Financial Officer

Title

COPY

ASSIGNMENT (JOINT)

For good and valuable consideration, the receipt of which is hereby acknowledged, we, the undersigned, inventors:

Carlo Ballatore, Maria V. Sergeeva and Venkata Ramana Doppalapudi

Who have created a certain invention for which an application for United States Letters Patent entitled **Peptide Deformylase Activated Prodrugs** has been executed and

☒ was filed in the U.S. Patent and Trademark Office on **November 14, 2003**, and assigned Serial Number **10/714,255**; and which claims priority to U.S. Provisional Application Serial No. **60/426,771**, filed November 14, 2002;

Do hereby sell, assign and transfer to NewBiotics, Inc., a corporation, having a place of business at 11760 Sorrento Valley Road, Suite E, San Diego, CA 92121, its successors, assigns, and legal representatives, the full and exclusive right to said invention and said application and to any and all inventions described in said application for the United States, its territorial possessions and all foreign countries, and the entire right, title and interest in and to any and all Letters Patent which may be granted therefore in the United States, its territorial possessions and all foreign countries; and in and to any and all continuations-in-part, continuations, divisions, substitutes, reissues, extensions thereof, and all other applications for Letters Patent relating thereto which have been or shall be filed in the United States, its territorial possession and/or any foreign countries, and all rights, together with all priority rights, under any of the international conventions, unions, agreements, acts, and treaties, including all future conventions, unions, agreements, acts, and treaties;

Agree that NewBiotics, Inc., hereinafter referred to as Assignee, may apply for and receive Letters Patent for said invention and said inventions, hereinafter referred to as said invention, in its own name, in the United States, its territorial possessions, and all foreign countries; and that, when requested to carry out in good faith the intent and purpose of this assignment, at the expense of said Assignee, its successors, assigns and legal representatives, the undersigned will execute all continuations-in-part, continuations, divisions, substitutes, reissues, extensions thereof, execute all rightful oaths, assignments, powers of attorney and other papers, testify in any legal or quasi legal proceedings; communicate to said Assignee, its successors, assigns or legal representatives all facts known to the undersigned relating to said invention and the history thereof; and generally do everything possible which said Assignee, its successors, assigns, or legal representatives shall consider desirable for aiding in securing, maintaining and enforcing proper patent protection for said invention and for vesting title to said invention and all applications for patents on said invention in said Assignee, successors, assigns, or legal representatives;

The terms "Application" and Application for Letters Patent" as used herein include both provisional and non-provisional applications;

Inventor(s) hereby authorizes the above-mentioned Assignee or its legal representative to insert in this instrument the filing date and serial number of said Application or any other information that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document; and


Covenant with said Assignee, its successors, assigns, or legal representatives that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by the undersigned, and that full right to convey the same has herein expressed is possessed by the undersigned.

IN THE TESTIMONY WHEREOF we have hereunto set our signatures on the date indicated below.

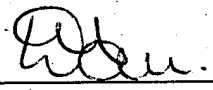
12-17-03
Date


Name: **Carlo Ballatore**

12/15/03
Date


Name: **Maria V. Sergeeva**

01.06.04
Date


Name: **Venkata Ramana Doppalapudi**